

**Notice of Allowability**

Application No.

09/871,905

Examiner

Ronald Baum

Applicant(s)

KUROWA, TOSHIO

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/2005.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## DETAILED ACTION

### *Examiner's Statement of Reasons for Allowance*

1. Claims 1-3 are allowed over prior art.
2. This action is in reply to applicant's correspondence of 29 November 2005
3. The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.
4. As per claims 1-3 generally, prior art of record, Staley, U.S. Patent 6,073,123, fails to teach alone, or in combination, other than via hindsight, at the time of the invention, the features as discussed and remarked upon in the response of 11/29/2005 to office action of 9/29/2005.

Specifically, (as per claim 1, for example) prior art dealing with copy protection method/apparatus via embedding copy counting/flag/state/date-time information, inclusive implicitly of various copyright protection protocols involved with CD, DVD, etc., multimedia protection (i.e., Robert Garran Offices, 'Copyright & Contract', Copyright Law Branch, AG's Dept., Commonwealth of Australia, 2005, Ch.4, generally, and sections 4.24-4.44 more specifically, [http://www.ag.gov.au/agd/WWW/rwpattach.nsf/viewasattachmentPersonal/\(CFD7369FCAE9B8F32F341DBE097801FF\)~4Chapter4.pdf](http://www.ag.gov.au/agd/WWW/rwpattach.nsf/viewasattachmentPersonal/(CFD7369FCAE9B8F32F341DBE097801FF)~4Chapter4.pdf)), generally deals with the copy protection aspects via embedding copy control information dealing with the number of copies allowable, or simply whether copying per se is allowed. Nowhere in the prior art is found the *italicized* claim elements (i.e., iterative application of a one way function a number of times corresponding to the allowable number of reproductions that will be subsequently embedded with the encrypted content on the distributable media) serving to patentably distinguish the invention from said prior art;

Art Unit: 2136

“A master digital data creation device for supplying second digital data obtained by scrambling first digital data to a digital reproduction device having a recording medium, comprising:

an encryption block *generating a first control word for*

identifying an *allowable number of reproductions specified by*

the digital data *reproduction device* and

*applying a one-way function to*

*the first control word a number of times corresponding to*

*the allowable number of reproductions* to generate

a second control word for

scrambling the first digital data and

representing a number of times said first digital data

has been reproduced;

a scrambler

receiving the second control word and

using the second control word to

produce second digital data; and

an output block outputting

the second digital data and

the first control word to

the digital data reproduction device.”.

Art Unit: 2136

5. Dependent claim 3 is allowable by virtue of their dependencies.

Art Unit: 2136

***Conclusion***

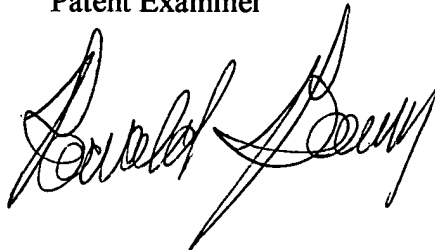
6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100